

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

RECEIVED
EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS

In the matter of:)	BOEE Case No. 15-190	NOV 17 2017
)	Folder # 319612	
Gerald Johnson,)		
)	SETTLEMENT AGREEMENT	
Respondent.)	AND FINAL ORDER	

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 IAC 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. Respondent holds a STANDARD LICENSE (FOLDER # 319612). Respondent's license is current and will next expire on May 31, 2021.
2. During the relevant facts of this matter, Respondent was employed as a special education teacher with Des Moines Public Schools.
3. On December 14, 2015, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.
4. Pursuant to 282 IAC 11.4(6), Respondent denies the Board's allegations, asserts he did not act improperly toward any student, and does not accept the truth of any of the allegations made against him. But as Respondent wishes to resolve this matter, he hereby waives his right to hearing and voluntarily surrenders his practitioner's license.

SETTLEMENT AGREEMENT

5. This Settlement Agreement and Final Order constitutes the final resolution of

a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

6. In order to resolve this matter without proceeding to hearing, Respondent agrees to surrender his standard license.

LICENSEE DECLARATION

I understand State's counsel will present this Settlement Agreement and Final Order to the Board *ex parte*. I understand this Agreement is subject to the approval of the Board and has no force or effect if it is not approved by the Board.

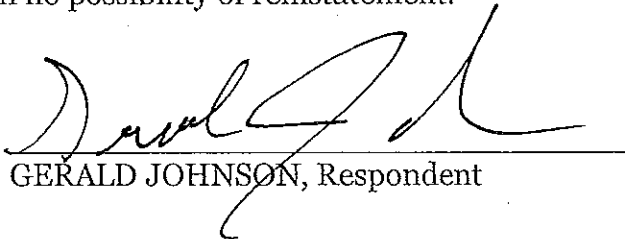
I agree to comply with the requirements set forth in the stipulations and requirements of this Settlement Agreement and Final Order and understand that my failure to do so can result in additional discipline of my initial license.

I understand that this Settlement Agreement and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

I understand that by waiving my right to a hearing, I give up my right to challenge the allegations against me, and that as a consequence of surrendering my license my privilege to teach, administer, coach, and/or otherwise practice as a licensee in Iowa will be permanently revoked with no possibility of reinstatement.

11.16.17
Date


GERALD JOHNSON, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

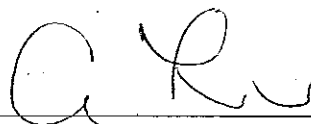
1. Respondent holds a STANDARD LICENSE (Folder number 319612) with the following endorsements: K-12 Athletic Coach; 5-12 Art; 5-12 American History; 5-12 World History; 5-12 Multicategorical Resource Mild; 5-12 Instructional Strategist I: Mild/Moderate. Respondent's license is current and will next expire on May 31, 2021.

2. Pursuant to Board rule, a practitioner may voluntarily surrender his license if the practitioner waives the right to hearing before the Board and notifies the Board of his intent to accept a permanent revocation of the practitioner's license. Upon receipt of a voluntary surrender, the Board may issue an order permanently revoking the practitioner's license. 282 Iowa Administrative Code 11.4(6).

3. On November 16, 2017, the Respondent signed a settlement agreement agreeing to voluntarily surrender his license. The voluntary surrender was presented to and accepted by the Board at a formal meeting on December 6, 2017.

4. THEREFORE, the Board acknowledges the voluntary surrender of Respondent's standard license. All licenses issued by the Board to Respondent are PERMANENTLY REVOKED with no possibility of reinstatement.

Dated this 6th day of December, 2017.



Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Gerald Johnson
RESPONDENT

Al Parrish
ATTORNEY FOR RESPONDENT

Jordan Esbrook
Allison Schmidt
ATTORNEYS FOR THE STATE

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of)	Case No. 15-190
)	Folder No. 319612
Gerald L. Johnson,)	
)	NOTICE OF HEARING
Respondent.)	AND STATEMENT OF CHARGES

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Tuesday, October 10, 2017, before Administrative Law Judge Margaret LaMarche, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 9:00 a.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any

resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Jordan Esbrook
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-8159

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Dr. Ann Lebo, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Esbrook at (515) 281-8159.

B. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

7. Respondent is charged with sexual involvement or indecent contact with a student, in violation of 282 Iowa Administrative Code rule 25.3(1)c.

Count II

8. Respondent is charged with committing any sexual or otherwise indecent act with a student or any minor, in violation of 25.3(1)e(3).

C. JURISDICTION AND LEGAL AUTHORITY

9. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

D. FACTUAL CIRCUMSTANCES

10. Respondent holds a standard license (FOLDER # 319612) with the following endorsements: K-12 Athletic Coach; 5-12 Art; 5-12 American History; 5-12 World History; 5-12 Multicategorical Resource Mild; 5-12 Instructional Strategist I: Mild/Moderate. Respondent's license is current and will next expire on May 31, 2021.

11. During all material events of this case, Respondent was employed as a special education teacher by Des Moines Public Schools.


12. On December 14, 2015, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On May 12, 2017, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

13. Investigation revealed that Respondent engaged in sexual contact with a student at Roosevelt High School at school, during the school day.

E. SETTLEMENT

14. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Esbrook.

Dated this 18th day of July, 2017.



Dr. Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Gerald Johnson (first-class mail and restricted certified mail)
RESPONDENT

Becky S. Knutson (electronic mail)
Davis Brown Law Firm
ATTORNEY FOR RESPONDENT

Jordan Esbrook (electronic mail)
Assistant Attorney General
ATTORNEY FOR STATE